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EXAMINER	
HOSSAIN, FARZANA E	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,950	ZENONI, IAN	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8-15-02, 3-02-06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 22 is objected to because of the following informalities: Claim 22 recites, "content identification tags segment division and markers" which is assumed to be -- content identification tags and segment division markers--.

Appropriate correction is required.

2. The examiner points out a small typographical error in Claim 28: "claim25". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Elenbaas et al (US 2005/0028194 and hereafter referred to as "Elenbaas").

Regarding Claims 1, 5, 8, 12, 16, Elenbaas discloses a method of generating and inserting an indicator into a video stream/a time encoded video stream (Figure 1, Figure 2B), a system for encoding a video stream with indicators (Figure 1, Figure 2B), a system for inserting indicators in a time encoded video stream (Figure 1, Figure 2B) comprising: a time code generator for generating a time code signal that corresponds to video signal address of the video stream or the broadcaster which distributes the video stream with key frames or generates key frames that correspond to video signal address of the video stream as the video stream as each scene is associated with key frames (Figure 1, 101, Page 2, paragraph 0017, Page 3, paragraph 0024);

extracting a time code from the time encoded video stream that corresponds to a video signal address o the time encoded signal (Page 3, paragraph 0024);

time code reader or a story segment identifier (Figure 1, 106) that reads a time code from the time encoded video stream (Page 3, paragraph 0024);

an indicator generator or classifier and visual characterizer for generating the indicators at an end-user site (Figure 1, 120, Pages 3-4, paragraph 0026) and storing the indicators in an database or library as it is necessarily included that the indicators are stored as a filter accesses the indicators to compare with the user preferences or generates an indicator or classifier signal in response to time code signal (Pages 3-4, paragraphs 0026-0029);

accessing the indicators that are stored in the database in response to the time code signal at the video signal address (Pages 3-4, paragraphs 0026-0029);

an encoder encoding the video stream with the indicators as each story segment is encoded and the segments are classified with indicators to generate a time and indicator encoded video stream (Pages 3-5, paragraphs 0025-0027, 0031).

Regarding Claims 2, 6, 9, and 13, Elenbaas discloses all the limitations of Claims 1, 5, 8, and 12 respectively. Elenbaas discloses step of encoding the video stream with indicators comprises encoding the video stream with content indication tags (Pages 3-5, paragraphs 0026-0029, 0031).

Regarding Claims 3, 7, 10, and 14, Elenbaas discloses all the limitations of Claims 1, 5, 8, and 12 respectively. Elenbaas discloses the step of encoding the video stream with indicators comprises encoding the video stream with segment division markers or key frames (Page 3, paragraph 0024-0026).

Regarding Claims 4, 11, and 15, Elenbaas discloses all the limitations of Claims 1, 8, and 12 respectively. Elenbaas discloses the step of generating the indicators is performed by video recognition of content of the video stream (Page 4, paragraph 0028).

5. Claims 17- 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Flavin (US 6,005,603).

Regarding Claims 17 and 21, Flavin discloses a method and system for manually inserting indicators in a video stream (Column 3, lines 1-25, Column 4, lines 53-55)

comprising: a first display that displays the video stream to an operator (Figure 1, 112, TV monitor); a delay that generates a delayed video signal (Column 3, lines 1-2); a second display that displays the delayed video signal to the operator (Figure 1, 112, computer workstation monitor); an operator input station under the control of the operator (Figure 1, 111, 112) that inserts the indicators in the delayed video signal based upon information viewed in the video stream (Column 3, lines 1-44, Figure 3).

Regarding Claims 18, 19, 20, and 22, Flavin discloses all the limitations of Claims 17, 17, 17 and 21 respectively. Flavin discloses a database or data bank coupled to the user input station that provides standard indicators or content identification tags and segment division markers for insertion into the video stream (Column 5, lines 32-61).

6. Claims 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwoh (US 6,226,793).

Regarding Claims 23 and 24, Kwoh discloses a method and a system for automatically inserting indicators in a video stream (Column 15, lines 15-16) comprising: splitting the video stream into segments or determine the video segments which necessarily includes a splitter as the video stream is split into individual segments (Figure 23, Figure 24, Column 13, lines 33-55); a delay or VTR and recorder that generates a delayed video signal for one portion of the split video (Column 13, lines 33-39, Figure 20, Figure 23, Figure 24); a video recognition analyzer (Figure 20, 10007, 10013, 100018) that analyzes the other portion of the split video stream to generate a

content identification signal (Figure 23, Figure 24, Column 14, lines 66-67, Column 15, lines 1-10, 53-67, Column 16, lines 1-6) and segment division markers for the analyzed video stream (Figure 23, 668, Figure 24, 688, 690, 684); a database or traffic computer of standard content identification tags (Column 13, lines 47-51, Column 14, lines 54-67, Column 15, lines 1-4); a comparator or traffic computer and inserter for the content identification signal to assign the database standard content identification tags to matching the content identification signals or traffic computer having the ability to provide content identification tags to the individual segments which will inserted with the content identification tags by the inserter (Column 13, lines 41-55); a time synchronizer or the inserter to resynchronize the assigned tags and markers with the delayed video stream or inserter which inserts the tags and markers with each segment (Column 13, lines 47-51, Column 14, lines 54-67, Column 15, lines 1-4); an encoder to encode the delayed video stream with the tags and markers (Column 13, lines 51-56, Column 14, lines 54-67, Column 15, lines 1-4).

7. Claims 25, 26, 31, 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ford (US 6,519,770).

Regarding Claims 25 and 31, Ford disclose a method and a system for generating a combined video signal in response to indicators or codes provided in a video stream (Figure 1, Figure 2, Figure 5) comprising: a decoder (Figure 6, 70) that is connected to receive the video stream and separates or extracts the indicators from the video stream to produce an indicator signal or an access signal and a video signal

(Figure 6, 70, 90, 74); a database that stores supplemental video and generates a supplemental video signal in response to the indicator signal (Figure 6, 104, 92); a video combiner that combines the video signal and the supplemental video signal to produce the combined video signal (Column 8, lines 45-64).

Regarding Claim 26, Ford discloses all the limitations of Claim 25. Ford discloses combining further comprises combining the supplemental video signal as an overlay of the video stream (Column 8, lines 45-64).

Regarding Claim 32, Ford discloses all the limitations of Claim 31. Ford discloses an indicator decoder connected to the decoder that generates an access signal in response to the indicator signal and applies the access signal to the database (Figure 6, 90, Column 8, lines 45-64).

8. Claims 33-38, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claims 33 and 37, Zigmond discloses a method and a system for generating an enhanced video signal in response to indicators provided in a video stream (Figure 8) comprising: a decoder that is connected to receive the video stream (Column 18, lines 65-66) and that separates the indicators or cross over link information from the video stream (Column 18, lines 65-66); using the indicator to access an Internet web site and producing a web site signal (Column 18, lines 39-67, Column 19, lines 1-9); an Internet connection that accesses an Internet address in response to the indicators (Figure 8); an Internet information decoder that decodes Internet information

accessed at the Internet address (Column 18, lines 63-67, Column 19, lines 1-9) and that generates a supplemental video signal (Column 18, lines 63-67, Column 19, lines 1-9); a combiner that combines the supplemental video signal and the video stream to generate the enhanced video signal (Column 18, lines 63-67, Column 19, lines 1-9).

Regarding Claim 34, Zigmond discloses all the limitations of Claim 33. Zigmond discloses combining the supplemental video signal as an overlay of the video signal (Column 18, lines 63-67, Column 19, lines 1-9).

Regarding Claim 35, Zigmond discloses all the limitations of Claim 33. Zigmond discloses generating an enhanced video signal in which the supplemental video signal appears on different portions of a display or split screen than the video signal (Column 18, lines 63-67, Column 19, lines 1-9).

Regarding Claim 36, Zigmond discloses all the limitations of Claim 33. Zigmond discloses using the indicator further comprises: decoding the indicator to generate a database address signal (Column 18, lines 63-67, Column 19, lines 1-9); using the database address signal to access an Internet address stored in a database (Column 18, lines 50-52); accessing an Internet web site using the Internet address (Column 18, lines 63-67, Column 19, lines 1-9).

Regarding Claim 38, Zigmond discloses all the limitations of Claim 37. Zigmond discloses an Internet information encoder that encodes the Internet information with the video stream (Figure 8, 144).

Regarding Claim 40, Zigmond discloses all the limitations of Claim 37. Zigmond discloses the Internet connection is provided as a direct connection from a set-top box to an Internet service provider (Figure 8, 152).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford in view of Zigmond.

Regarding Claim 27, Ford discloses all the limitations of Claim 25. Ford is silent on generating a combined video signal in which the supplemental video appears on different portions of a display than the video stream. Zigmond discloses a method and a system for generating an enhanced video signal in response to indicators provided in a video stream (Figure 8) comprising: a decoder that is connected to receive the video stream (Column 18, lines 65-66) and that separates the indicators or cross over link information from the video stream (Column 18, lines 65-66); a decoder that decodes Internet information accessed at the Internet address (Column 18, lines 63-67, Column

19, lines 1-9) and that generates a supplemental video signal (Column 18, lines 63-67, Column 19, lines 1-9); a combiner that combines the supplemental video signal and the video stream to generate the enhanced video signal (Column 18, lines 63-67, Column 19, lines 1-9). Zigmond discloses generating a combined video signal in which the supplemental video signal appears on different portions of a display or split screen than the video signal (Column 18, lines 63-67, Column 19, lines 1-9).
Therefore, it would have been obvious to one of ordinary skill in the art to modify Ford to include generating an combined video signal in which the supplemental video signal appears on different portions of a display or split screen than the video signal (Column 18, lines 63-67, Column 19, lines 1-9) as taught by Zigmond in order to provide an way to simultaneously view the video and supplemental video so that video is not interrupted (Column 19, lines 5-9) as disclosed by Zigmond.

Regarding Claim 28, Ford discloses all the limitations of Claim 25. Ford is silent on the supplemental video signal comprises local advertising. Zigmond disclose a content provider providing a video stream with a triggering event or indicator (Column 4, lines 35-40). Zigmond discloses that triggering event or indicator is used to generate an access signal to access a supplemental video signal stored in a database (Figure 5, 86) and the supplemental video signal is combined with the video programming to generate a combined signal (Figure 6, 120). Zigmond discloses that the supplemental video signal comprises local advertising (Column 4, line 26, Column 7, lines 13-15).
Therefore, it would have been obvious to one of ordinary skill in the art to modify Ford to include supplemental video signal comprises local advertising (Column 4, line 26,

Column 7, lines 13-15) as taught by Zigmond in order to select and insert advertisements into a video programming feed at the household level (Column 1, lines 8-11) based on the viewer information (Column 3, lines 58-67, Column 4, lines 1-3) as disclosed by Zigmond.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ford in view of Matthews, III (US 5,874,985 and hereafter referred to as "Matthews").

Regarding Claim 29, Ford discloses all the limitations of Claim 25. Ford discloses that a supplemental signal (Figure 6, 104). Ford is silent on supplemental video signal comprises a weather alert. Matthews discloses an indicator is sent to the processor or decoder to generate a supplemental video signal (Column 6, lines 1-20). Matthews disclose that the supplemental video signal comprises a weather alert or public announcement (Column 1, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ford to include supplemental video signal comprises a weather alert or public announcements (Column 1, lines 40-42) as taught by Matthews in order to provide critical information to viewers with minimal information (Column 2, lines 1-9, Column 5, lines 56-67) as disclosed by Matthews.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ford in view of Zigmond et al (US 2004/0268405 and hereafter referred to as "Zigmond2").

Regarding Claim 30, Ford discloses all the limitations of Claim 25. Ford discloses that a supplemental signal (Figure 6, 104). Ford is silent on the supplemental

video signal comprises sports scores. Zigmond2 discloses using an access signal to access a supplemental video signal stored in a buffer (Figure 3, 330). Zigmond2 discloses the supplemental video comprises sports scores (Figure 2, Page 3, paragraph 0032). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ford to include supplemental video comprises sports scores (Figure 2, Page 3, paragraph 0032) as taught by Zigmond2 in order to provide the viewer with information while watching programming (Page 1, paragraph 0012) as disclosed by Zigmond2.

13. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond in view of Isono et al (US 6,690,481 and hereafter referred to as "Isono").

Regarding Claim 39, Zigmond discloses all the limitations of Claim 37. Zigmond discloses the Internet connection is provided as a direct connection from a set-top box to an Internet service provider (Figure 8, 152). Zigmond is silent on the Internet connection is provided through a cable head-end. Isono discloses a system with access to the Internet where the Internet connection is provided through a cable head-end (Figure 1, 11-1, 2). Therefore, it would have been obvious to one of ordinary skill in the art to modify Zigmond to include the Internet connection is provided through a cable head-end (Figure 1, 11-1, 2) as taught by Isono in order to provide the user with information based on priority (Column 1, lines 9-12) as disclosed by Isono and to provide the user with one device that connects the to cable system and the Internet for convenience and less clutter.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
September 20, 2006

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